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Attorneys for Defendants
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASVEER SINGH; JESUS MIER; and
TOMMIE PRUIT,

Plaintiffs,

v.

YELLOW TRANSPORTATION, INC.
DBA YELLOW FREIGHT;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL UNION #439,
DANIEL DRAKE, ROGER PRICE,
FRANK VELLA and DOES 1 through 20,

Defendants.

Case No. 2:05-CV-0521 MCE DAD

**STIPULATION AND ORDER FOR
CONTINUANCE OF HEARING ON
DEFENDANT YELLOW
TRANSPORTATION, INC.'S THREE
MOTIONS FOR SUMMARY
JUDGMENT/SUMMARY ADJUDICATION
AND MOTION IN LIMINE TO EXCLUDE
TESTIMONY OF PLAINTIFFS' EXPERT
JAN DUFFY**

Judge: Honorable Morrison C. England, Jr.

WHEREAS, this is a multi-plaintiff discrimination lawsuit in which plaintiffs, one former and two current dockworkers at Defendant Yellow Transportation, Inc.'s Tracy, California, dock, allege racial discrimination, harassment and retaliation.

WHEREAS, on May 5, 2006, Defendant Yellow Transportation, Inc. ("Yellow Transportation") filed three motions for summary judgment/summary adjudication in the above-entitled matter, each of which is directed at one of the three plaintiffs, and which are set to be heard in this Court on June 5, 2006.

WHEREAS, on May 4, 2006, Yellow Transportation also filed a Motion in Limine, set for hearing on June 5, 2006, asking that the Court exclude from evidence the testimony of Plaintiffs' expert, Jan Duffy.

WHEREAS, Plaintiffs are presently required to respond to all of Yellow Transportation's motions by May 22, 2006.

WHEREAS, Plaintiffs' counsel has advised defense counsel ("defense counsel") for Yellow Transportation that Plaintiffs cannot reasonably prepare adequate opposition briefs for these motions within the two weeks allowed.

1 WHEREAS, Plaintiffs' counsel, a sole practitioner, is preparing and is scheduled for trial in
2 Placer County, in a case entitled Ceballos v. Union Pacific Railroad, Placer County Case No.
3 SDV13562, with a designated judge and courtroom, with trial commencing on May 30, 2006. The
4 Ceballos trial is expected to last approximately 7 to 10 days.

5 WHEREAS, the parties will be participating in a two-day mediation on June 19 and 20, 2006
6 before the Hon. V. Gene McDonald (Ret.) of JAMS.

7 WHEREAS, Plaintiff's counsel has met and conferred with defense counsel regarding re-
8 scheduling the hearing on Yellow Transportation's motions for summary judgment/summary
9 adjudication and motion in limine to the middle or end of July, 2006, to allow adequate time for
10 review of the evidence, briefing, and preparation of Plaintiffs' oppositions, and defense counsel has
11 agreed to such continuance.

12 WHEREAS, Counsel for Yellow Transportation has called the court clerk but could not
13 confirm the date of July 24, 2006 is available for the hearing of the above motions but that such date
14 is agreeable to the parties.

15 WHEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES
16 through their counsel of record that:

17 1. The hearing date of Yellow Transportation's motions for summary
18 judgment/summary adjudication and motion in limine be continued to the middle or end of July,
19 2006.

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STIPULATED AND AGREED TO BY:

Dated: May 12, 2006

LAW OFFICES OF JOHN RIESTENBERG

/s/ John M. Riestenberg, Esq.
(as authorized on May 12, 2006)

John M. Riestenberg
Attorney for Plaintiffs

Dated: May 12, 2006

BAKER & HOSTETLER LLP

/s/ Joseph L. Chairez, Esq.
Joseph L. Chairez
Steven W. Moore
Attorneys for Defendant
Yellow Transportation, Inc. dba Yellow Freight

Dated: May 12, 2006

LAW OFFICES OF JOSEPH SCALIA

/s/ Joseph Scalia, Esq.
(as authorized on May 12, 2006)

Joseph Scalia
Attorneys for Defendant
Daniel Drake

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ORDER

The Court having considered the stipulation of the parties for the continuance of the hearing on Yellow Transportation's motions for summary judgment/summary adjudication and motion in limine finds that the stipulation and request are in the interests of justice.

IT IS THEREFORE ORDERED that:

1. The hearing on Yellow Transportation's motions for summary judgment/summary adjudication and Yellow Transportation's motion in limine regarding the testimony of Jan Duffy are continued from June 5, 2006 to July 24, 2006 at 9:00 a.m. or to the following date and time: July 17, 2006 at 09:00 a.m.

Dated: May 18, 2006


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE